

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

BEFORE THE
ILLINOIS COMMERCE COMMISSION

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ILLINOIS
COMMERCE COMMISSION

JAN 25 10 02 AM '00

CHIEF CLERK'S OFFICE

GTE NORTH INCORPORATED)
GTE SOUTH INCORPORATED,)
AND NPCR, INC.)

Joint Petition of GTE North Incorporated,)
GTE South Incorporated, and)
NPCR, Inc. For Adoption)
Pursuant To 47 U.S.C. § 252 (i))
Regarding Adoption)
of an Interconnection Agreement)

00-0069

JOINT PETITION OF GTE NORTH INCORPORATED. GTE SOUTH INCORPORATED,
AND NPCR, INC. REGARDING ADOPTION OF AN INTERCONNECTION AGREEMENT

GTE North Incorporated and GTE South Incorporated (collectively ("GTE")) and NPCR, Inc. ("NPCR"), Joint Petitioners, pursuant to 47 U.S.C. §252(i), petition the Illinois Commerce Commission regarding the adoption of an interconnection agreement between GTE and NPCR, on the following grounds:

1. Joint Petitioners GTE North Incorporated and GTE South Incorporated are each telecommunications carriers within the meaning of Section 13-202 of the Universal Telephone Protection Act of 1985, 220 ILCS 5/13-100, et seq. and each is authorized to provide and is currently providing, intraMSA exchange and interexchange telecommunications services to customers within certain certificated areas of the State of Illinois.

2. Joint Petitioner NPCR represents that it is a CMRS carrier authorized to provide service in the State of Illinois and that this adoption will cover only services in the State of Illinois.

3. Pursuant to Section 252(i) of the Telecommunications Act of 1996 (“Federal Act”), NPCR notified GTE that it desired to adopt the terms of the Interconnection Agreement (the “Agreement”) between GTE and Nextel West Corp., approved by the Illinois Commerce Commission (the “Commission”) in Docket No. 99-NA-001. Subsequent to this, GTE and NPCR signed a letter relating to NPCR’s adoption of the terms of the Agreement. A copy of said letter is attached as Exhibit 1.

4. Section 252(i) of the Federal Act provides:

(i) Availability to other telecommunications carriers:

A local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

The Commission approved the Agreement pursuant to Section 252(e) of the Federal Act. Accordingly, per Section 252(i) of the Federal Act, NPCR has the right to adopt the Agreement’s terms.’

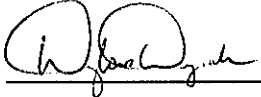
5. Subject to the terms of the letter attached as Exhibit 1, there are no outstanding issues between GTE and NPCR relating to such adoption.

¹ GTE is submitting this petition pursuant to Section 252(i) of the Telecommunications Act of 1996 to notify the Commission of the adoption described herein. With respect to the prior applications of this nature, the Commission has elected to treat the adopted terms as a negotiated agreement. Because Section 252(i) requires the adoption to be implemented as a matter of law, GTE does not agree with the Commission’s characterization of these agreements as negotiated agreement. Nonetheless, GTE shall abide by the adopted terms in accordance with, and subject to, the adoption letter executed by GTE that is being submitted with this application as Exhibit 1.

6. As stated in the attached verified Statement in Support of an Adoption of Interconnection Agreement, attached as Exhibit 2, GTE will continue to make the arrangements set forth in the Agreement available on the same terms and conditions to any duly authorized telecommunications carrier operating within the State of Illinois to the extent required and permitted under Section 252(i) of the Federal Act. Therefore, this filing is not discriminatory.

WHEREFORE, GTE and NPCR respectfully submit this Adoption of an Interconnection Agreement on this 25 day of January

GTE NORTH INCORPORATED
GTE SOUTH INCORPORATED

By: 

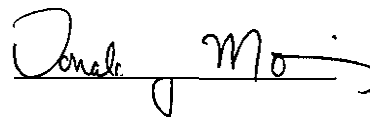
Tracy D. Pagliara
GTE Service Corporation
600 Hidden Ridge
HQE03J36
Irving, TX 75038

Tel. No. (972) 718-6362
Fax No. (972) 718-1250

Douglas Dziak
HUNTON & WILLIAMS
1900 K Street, N.W.
Suite 1200
Washington, D.C. 20006
Tel. No.: (202) 955-1880
Fax No.: (202) 778-2201

ATTORNEYS FOR GTE NORTH
INCORPORATED AND GTE SOUTH
INCORPORATED

NPCR, INC.

By: 

Donald J. Manning
NPCR, Inc.
General Counsel
4500 Carillon Point
Kirkland, WA 98033

Tel. No. (425) 828-8475
Fax No. (425) 828-8098

FOR NPCR, INC.

STATE OF ILLINOIS

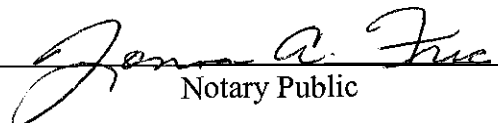
COUNTY OF McLean

)
) ss VERIFICATION
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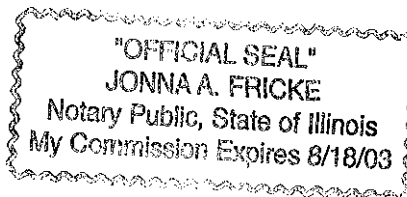
James R. Hargrave, being first duly sworn, deposes and states that he is the Assistant Vice President-Regulatory & Governmental Affairs for GTE North Incorporated, and as such; that he is authorized by GTE North Incorporated and GTE South Incorporated to make this verification; that he has read the above and foregoing Statement in Support of an Adoption of an Interconnection Agreement Among GTE North Incorporated, GTE South Incorporated, and NPCR, Inc. and knows the contents thereof; and that said contents are true to the best of his knowledge, information and belief.


Assistant Vice President-Regulatory & Governmental
Affairs

Subscribed and sworn to before me, a notary public for the State of Illinois this 24 day
of FEBRUARY


Notary Public

My Commission Expires: 8/18/03



STATE OF WASHINGTON)

COUNTY OF KING)

ss

VERIFICATION

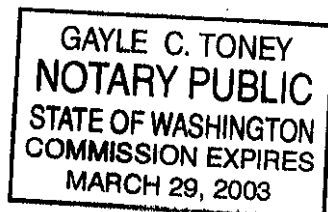
Donald J. Manning, being first duly sworn, deposes and states that he is the Vice President & General Counsel for NPCR, Inc.; that he is authorized by NPCR, Inc. to make this verification; that he has read the above and foregoing Joint Petition Regarding Adoption of an Interconnection Agreement Among GTE North Incorporated, GTE South Incorporated, and NPCR, Inc. and knows the contents thereof; and that said contents are true to the best of his knowledge, information and belief.

Donald J. Manning
Vice President & General Counsel

Subscribed and sworn to before me, a notary public for the State of Washington this 18th day of January, 2000.

Gayle C. Toney
Notary Public

My Commission Expires: 3/29/03



Connie Nicholas
Assistant Vice President
Wholesale Markets-Interconnection



GTE Network
Services

HQE03B28
600 Hidden Ridge
P.O. Box 152092
Irving, TX 75038
972/718-4586
FAX 972/719-1523

December 21, 1999

Mr. Donald J. Manning
General Counsel
NPCR, Inc.
4500 Carillon Point
Kirkland, WA 98033

Dear Mr. Manning:

We have received your letter stating that, under Section 252(i) of the Telecommunications Act of 1996, you wish to adopt the terms of the Interconnection Agreement between Nextel West Corp. and GTE that was approved by the Commission as an effective agreement in the State of Illinois in Docket No. 99-NA-001 (Terms).¹ I understand you have a copy of the Terms.

Please be advised that our position regarding the adoption of the Terms is as follows.

The provisions of the Terms that might be interpreted to require reciprocal compensation from GTE to the telecommunications carrier for the delivery of traffic to the Internet (ISP Traffic) are not available for adoption and are not a part of these 252(i) terms pursuant to FCC Rule 809 and paragraphs 1317 of the FCC's interconnection First Report and Order (FCC 96-325).

FCC Rule 809 gives the ILECs the ability to except 252(i) adoptions in those instances where the cost of providing the service to the requesting carrier is higher than that incurred to serve the initial carrier or there is a technical incompatibility issue. The issue of reciprocal compensation for traffic destined for the Internet falls within FCC Rule 809. GTE never intended for Internet traffic passing through a telecommunications carrier to be included within the definition of local traffic and the corresponding obligation of

¹ * These "agreements" are not agreements in the generally accepted understanding of that term. GTE was required to accept these agreements, which were required to reflect the then-effective FCC rules.

Mr. Manning
December 21, 1999
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reciprocal compensation. Despite the foregoing, some forums have interpreted the issue to require reciprocal compensation to be paid. This produces the situation where the cost of providing the service is not cost based under Rule 809 or paragraph 1318 of the First report and Order. As a result, that portion of the Terms that would provide reciprocal compensation or payment as local traffic for ISP Traffic is not available under this 252(i) adoption. In its place are provisions that exclude ISP Traffic from reciprocal compensation. Specifically, the definition of "Local Traffic" includes this provision: "Local Traffic excludes information service provider ("ISP") traffic (i.e., Internet, 900 - 976, etc)"

NPCR, Inc.' adoption of the Nextel West Corp. Terms shall become effective upon filing of this letter with the Illinois Commerce Commission and remain in effect no longer than the date the Nextel West Corp. Terms are terminated. The Nextel West Corp. agreement is currently scheduled to expire on March 4, 2000.

As these Terms are being adopted by you pursuant to your statutory rights under section 252(i), GTE does not provide the Terms to you as either a voluntary or negotiated agreement. The filing and performance by GTE of the Terms does not in any way constitute a waiver by GTE of the Terms does not in any way constitute a waiver by GTE of any claim it may have with respect to the 252(i) process, nor does it constitute a waiver of GTE's right to seek review of any Terms that are interpreted contrary to the law.

GTE contends that certain provisions of the Terms may be void or unenforceable as a result of the United States Eighth Circuit Court of Appeals July and October, 1997 decisions, the Supreme Court of the United States' decision of January 25, 1999 and the remand of the pricing rules to the United States Eighth Circuit Court of Appeals.

Should NPCR, inc. attempt to apply such conflicting provisions, GTE reserves its rights to seek appropriate legal and/or equitable relief. Should any provision of the Terms be modified, such modification would likewise automatically apply to this 252(i) adoption.

Mr. Manning
December 21, 1999
Page 3

Please indicate by your countersignature on this letter your understanding of and commitment to the following three points:

- (A) NPCR, Inc. adopts the Terms of the Nextel West Corp. agreement for interconnection with GTE and in applying the Terms, agrees that NPCR, Inc., a **Delaware** corporation ("NPCR, Inc.") be substituted in place of Nextel West Corp. in the Terms wherever appropriate
- (B) NPCR, Inc. requests that notice to NPCR, Inc. as may be required under the Terms shall be provided as follows:

To : NPCR, Inc.
Attention: General Counsel
4500 Carillon Point
Kirkland, WA 98033
Telephone number: 425-828-8475
FAX number: 425-828-8098

- (C) NPCR, Inc. represents and warrants that it is a CMRS carrier authorized to provide service in the State of Illinois, and that its adoption of the Terms will cover services in the State of Illinois only.

Sincerely,

GTE North Incorporated
GTE South Incorporated

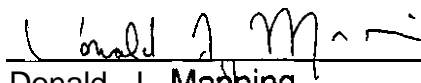


Connie Nicholas

Assistant Vice President
Wholesale Markets-Interconnection

Reviewed and countersigned as to points A, B, and C:

NPCR, Inc.



Donald J. Manning
General Counsel

BEFORE THE
ILLINOIS COMMERCE COMMISSION

GTE NORTH INCORPORATED)
GTE SOUTH INCORPORATED, and)
NPCR, INC.)
)
)
Joint Petition of GTE North Incorporated,)
GTE South Incorporated, and)
NPCR, Inc. For Adoption Pursuant)
To 47 U.S.C. § 252 (i))
Regarding Adoption)
of an Interconnection Agreement)

STATEMENT IN SUPPORT OF
ADOPTION OF AN INTERCONNECTION AGREEMENT
AMONG GTE NORTH INCORPORATED,
GTE SOUTH INCORPORATED AND NPCR, INC.

GTE North Incorporated and GTE South Incorporated, Joint Petitioners herein, make the following verified Statement in Support of Adoption of an Interconnection Agreement Among GTE North Incorporated, GTE South Incorporated and NPCR, Inc.

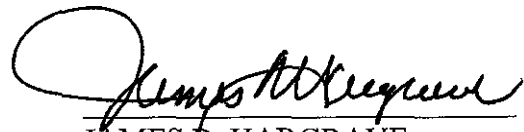
1. Pursuant to Section 252(i) of the Telecommunications Act of 1996 (the "Federal Act"), NPCR, Inc. ("NPCR") notified GTE North Incorporated and GTE South Incorporated (collectively, "GTE") that it desired to adopt the terms of the Interconnection Agreement ("Agreement") between GTE and Nextel West Corp. approved by the Illinois Commerce Commission in Docket No. 99-NA-001. Subsequent to this, GTE and NPCR signed adoption letters relating to NPCR's adoption of the terms of the Agreement.

2. GTE will continue to make the arrangements set forth in the Agreement available on the same terms and conditions to any duly authorized telecommunications carrier operating

territories within the State of Illinois to the extent required and permitted under Section 252(i) of the Federal Act. Thus, this filing is not discriminatory.

GTE North Incorporated and GTE South Incorporated respectfully submit the Adoption of an Interconnection Agreement Among GTE North Incorporated, GTE South Incorporated, and NPCR, Inc.

Respectfully submitted this 25 day of JANUARY

A handwritten signature in black ink, appearing to read "James R. Hargrave", written over a horizontal line.

JAMES R. HARGRAVE
Assistant Vice President-Regulatory
& Governmental Affairs